IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2168 OF 2006

Mars Advertising ... Petitioner

V/s.

The Municipal Corp. of Gr. Mumbai.. Respondents
and Anr.

Mr. J. Reis with Mr. R.N. Kachare for petitioner.
Mr. K.K. Singhvi, Sr. Counsel with Mr. A. Kamat & Mr. Vinod Mahadik for respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 17th October, 2006

P.C.

. The petitioner is partnership firm which has challenged the award of tenders for advertisement on vehicles by respondent Corporation. One of the partner Shri Mahamood A. Merchant was one of the participant in the tender process. He has also verified the present petition. The challenge by the petitioner in the present petition is that clause in the tender requiring availability of vehicle as notified is incapable of performance as the tender was invited on 09.09.2006 and the vehicles have to be supplied by December, 2006. It is submitted that normally the requirement of the company for supply of vehicle is atleast six months. Whatever be the position the fact remains that one of the partners of

the petitioner and that too a person who has verified the petition was one of the bidders. Once that be the case, in our opinion, this would not be a fit case for us to exercise our extra ordinary jurisdiction.

2. Insofar as other issues pursuant to whether Corporation can permit advertisement on vehicles, considering that we are disposing of this petition, that issue is kept alive for consideration in appropriate petitions.

3. With the above observations, petition stands disposed of. No order as to costs.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]